

FAS

FIELD ADVISORY SERVICES

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DoD Civilian Human Resources Strategic Plan 2002-2008

The Department of Defense's Human Resources (HR) vision is to design, develop, and implement HR policies, strategies, systems and tools to ensure a mission-ready civilian workforce that is motivated to excel. To achieve this vision, the Department has developed a Strategic Plan that outlines 7 specific goals each with multiple objectives.

Built from the Quadrennial Defense Review and direction provided by the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Strategic Plan represents the Department's HR roadmap. In developing the Department's HR roadmap, the strategic plans for the Army, Navy, Air Force, Defense Logistics Agency, and the Washington Headquarters Service were consulted along with the Office of Personnel Management's vision for the Federal government's human resources. Lastly, a consortium of DoD HR directors participated in its final development. Each goal and objective identified in the plan was chosen to exemplify the Department's values and principles for maintaining its leadership role in managing Federal human resources.

For more information, the Department's Civilian HR Strategic Plan can be reviewed on the USD(P&R) website, http://www.defenselink.mil/prhome/docs/civilian_hr_stratplan2.pdf.

Benefits and Entitlements Branch

benefits@cpms.osd.mil

Thrift Savings Plan (TSP) News

New TSP record keeping system delayed. The Federal Retirement Thrift Investment Board has decided to delay implementation of the new record keeping system until further testing can be completed. Although the system was developed on time and within budget, its implementation is being delayed in order to ensure that all of its functions are fully tested in parallel with the operation of the current record keeping system. These "parallel" tests have not yet taken place, because converting the TSP participant records has taken longer than anticipated. The Board is now aiming for a November 2002 transition to the new system.

When the new system is in place, many new features will be available to participants. Some of the more notable ones include:

- The TSP will provide daily valuation of accounts and daily processing of transactions. Currently, TSP account balances

are updated monthly rather than daily, and some transactions take several weeks to process.

- Account balances and transactions will be processed and shown in dollar amounts, shares, and share prices. This information will appear on participant statements, and the TSP website (www.tsp.gov).
- TSP loan information will be included on quarterly participant statements, rather than on separate loan statements.
- In addition to repaying TSP loans through regular payroll deductions, participants will be able to repay all or part of a loan at any time with personal checks.
- Participants will be able to have loan or withdrawal payments deposited electronically into checking or savings accounts.

TSP Open season information and increased employee contributions. TSP open season is October 15 – December 31, and April 15 – June 30. The scheduled increases in TSP employee contributions (up to 13% for FERS and up to 8% for CSRS) will become effective in December 2002.

Procedures for employees who return after military service. Employees who separate from civilian service to perform military service may be entitled to make up missed TSP contributions for the period they were in the military. If they contributed to the TSP while on active duty, they may also be entitled to immediate matching contributions to their civilian TSP accounts. Employees

wishing to make retroactive contributions should be counseled according to guidelines issued in [TSP Bulletin 02-7](#), and a payment schedule should be set up with the Defense Finance and Accounting Service (DFAS). DFAS is currently developing procedures to further assist employees and human resources offices in making retroactive payments.

FEHB Open Season
November 11, 2002–
December 9, 2002

Effective January 12, 2003

<http://www.opm.gov/insure/health/index.htm>

Classifier's Corner

classification@cpms.osd.mil

New OPM Digest of Significant Classification Decisions and Opinions

The Office of Personnel Management (OPM) issued a new *Digest of Significant Classification Decisions and Opinions* in April 2002. It is available on OPM's website, www.opm.gov/classapp/index.htm. The new *Digest* is the twenty-eighth issue in the series, and provides summaries of several OPM appeal decisions and advisory opinions to assist those with responsibility in interpreting classification standards. The articles in the *Digest* include:

- Distinguishing between GS-335 computer assistance work and GS-2210 administrative information technology (IT) work;
- Identifying requirements for meeting Level 1-9, the highest level for knowledge described in the standard for Administrative Work in the Human Resources Management Group, GS-201;
- Evaluating testing and laboratory operating responsibilities for Medical Technologist (GS-644) positions;
- Interpreting the Grade Evaluation Guide for Positions of Managers of Operating Education Programs. There are two articles on this subject. The first article describes an alternate method for determining student load (Factor 1); the second provides guidance on determining what constitutes a creditable course in evaluating Factor 2(a), Course Range and Variety. This Guide is used most often to classify directors of education services offices and child care centers;
- Crediting the appropriate levels for Factors 2 and 3 of the General Schedule Supervisory Guide (GSSG) for subordinate supervisors reporting to deputy positions;

- Crediting term and temporary work when applying the GSSG; and
- Distinguishing between Federal Wage System (FWS) positions in the Electronic Equipment and Maintenance family and General Schedule (GS) positions in the Information Technology Group, GS-2200.

Other classification issues are discussed under the heading, "Back to the Basics." OPM addresses general classification principles, such as distinguishing between specialist and assistant work, and the limitations on positions imposed by oversight and regulatory requirements, and the importance of the actual requirements of the organization supervised in grading supervisory positions.

Pay & Hours Of Work Section

pay@cpms.osd.mil

Department of State Standardized Regulations (DSSR) Danger Pay Change

On June 16, 2002, the Under Secretary of State for Management approved a final change to the "detail" definition for danger pay from four consecutive hours to four cumulative hours in a day. This means that all U.S. civilian employees assigned to, or on detail to a danger pay post (including temporary duty) for at

least 4 cumulative hours in a day may receive a danger pay allowance under DSSR Sections 652(f) and (g). Section 652(f) provides additional compensation to Federal employees where conditions of civil insurrection, civil war, terrorism, or wartime conditions exist. Section 652(g) is a separate allowance, which may be granted by the Secretary of State to civilian employees who accompany U.S. military forces in areas that are designated by the Secretary of Defense as eligible for imminent danger pay.

The Under Secretary of State for Management definition of *detail* found in Section 651c of the DSSR reads as follows:

"Detail" means detail as defined by Section 040p, for a minimum of four (4) cumulative hours in one day, at a place designated a danger pay area. All periods of leave while present at such place of detail may be included to meet the four hour requirement, but days of absence away from the designated post or country/area may not be included. Employees transiting a post who are inadvertently detained thereat for four (4) hours or more shall be considered on detail."

This information is available on the State Department's web site <http://www.state.gov/m/a/als/>. Click on Table of Allowances Section 920, choose Biweekly Updates, and select June 13, 2002.

Staffing and Development Branch

staffing@cpms.osd.mil

Extension of 9-11 Emergency Hiring Flexibilities

By memorandum dated September 17, 2001, the Under Secretary of Defense for Personnel and Readiness advised the Secretaries of the Military Departments, Chairman Joint Chiefs of Staff, Director Administration & Management, and the Directors of the Defense Agencies of the Office of Personnel Management (OPM) extension of appointment and waiver authorities available in support of rescue, recovery, investigation, military support, and directly related functions in the wake of attacks on the World Trade Center and the Pentagon. By letter dated August 2, 2002, OPM extended the four emergency flexibilities that were to expire September 30, 2002. These flexibilities have now been extended for the duration of the national emergency.

These four emergency hiring and pay flexibilities provide for:

1. Emergency Temporary Appointments under Schedule A;
2. SES Limited Emergency Appointments;
3. Salary Offset Waivers to Reemploy Annuitants; and
4. Voluntary Separation Incentive Payment (VSIP) Buyout Repayment Waivers.

With respect to salary offset and VSIP buyout repayment waivers, OPM delegated authority to waive dual compensation reductions for temporary positions and granted a waiver for the repayment of VSIP to temporarily rehire former Federal employees. The not-to-exceed date of the individual waivers may be extended for up to one year on a case-by-case basis, provided there are no other reasonable staffing options and the work is necessary to respond to the terrorist attacks or to combat terrorism. In addition, you may approve new repayment waivers for appointments in support of security, rescue, investigative, and directly related functions associated with the attacks on the World Trade Center and the Pentagon. The total employment under these waivers may not exceed two years.

A copy of the OPM letter can be obtained on the CPMS website,
http://www.cpms.osd.mil/fas/index_staffing.html

Advertising Military Spouse Preference (MSP)

Vacancy announcements accepting applications from non-status applicants should contain information on the MSP hiring program. The program was created by Public Law 99-145 to assist military spouse employment when they move with their sponsor to a new duty location. The Law requires DoD to make the provisions of the program known to military spouses so that eligible spouses may use hiring preference when applying for DoD vacancies.

The following is a suggested vacancy announcement statement that meets the statutory requirements:

“MILITARY SPOUSE PREFERENCE. If you are the spouse of an active duty military member, you may be eligible for Military Spouse Preference (MSP). To be eligible for MSP, you must have been married to your military sponsor prior to reporting to the new duty assignment, and you must have accompanied your military sponsor on a permanent change of station (PCS) move. The position for which you are applying must be within the commuting area of your military sponsor’s permanent new duty station. And, you must request MSP in your application for employment and provide a copy of your military sponsor’s PCS orders.

MSP applies if you are ranked among the “best qualified” for the vacancy, and the list established from this announcement is used to fill the vacancy. MSP does not apply, however, when preference would violate statutes or regulations on veterans’ preference or nepotism. For additional information on MSP, you may contact (*provide point of contact (POC) information or refer to place in vacancy announcement where POC information is located*).”

The Staffing and Development Branch also has an information sheet on MSP that you can use as a handout or post on your web page. If you would like a copy, simply download a copy from <http://www.cpms.osd.mil/fas/staffing/pdf/st006.pdf>.

Elder Care

Today, people are living longer, healthier lives and the elderly population is rapidly growing. With diversity and longevity becoming two terms that describe America’s workforce and population, the Department of Defense (DoD) is addressing the issues of aging and its impact on our families, work environment, and productivity.

The statistics on aging are overwhelming. As of 1999, there were more than 34 million individuals age 65 or older living in the United States. By the year 2030, it is expected that this number will exceed 70 million, more than double the 1999 number. The average age of the Federal full-time employee is 45.6 years. Moreover, an increasing number of employees face the challenges and responsibilities of caring for an ailing family member or friend. Approximately 25.8 billion Americans spend an average of 18 hours a week caring for an ailing relative.

Elder care is the term given to recognize the role of an adult caregiver who provides essential services to a parent or older person. A *caregiver* is a individual who is concerned about or provides assistance to another because of physical or mental limitations.

DoD has been working with the Office of Personnel Management (OPM) Office of Merit Systems Oversight and Effectiveness (OMSOE) to develop an elder care survey to evaluate the demographics of the present workforce,

assess the potential for present and future involvement in care giving situations, and identify the need for any other support, Federal, state or private.

OMSOE's Elder Care Study Plan also includes surveying agency Work/Life Coordinators on elder care programs currently available. Focus groups, consisting of representatives from various agencies, will be formed by OMSOE to meet with managers and supervisors in order to acquaint them with the concept of and the need for an elder care program and to seek input on the existence of elder care situations among their employees.

OPM has developed the *Handbook of Elder Care Resources for the Federal Workplace*, which introduces the various services and resources that are available to help employees make informed decisions concerning elder care. This comprehensive handbook describes a variety of community services and programs that are offered across the country to assist older adults.

Additionally, the handbook discusses housing options, financial and medical considerations, nursing homes, and home health care agencies. This document can be downloaded from

www.opm.gov/wrkfam/elder01.asp.

If you are immediately concerned about an ailing or older person in your care, and do not know where to turn for information, the Elder Care Locator can help you. Call 1-800-677-1116, Monday through Friday, 9:00 a.m. – 11:00 p.m. This toll free nationwide number for people with elder care concerns is operated by the National Association of

Area Agencies on Aging. Elder care operators can determine whom you need to contact and give you local referral numbers.

Labor Management and Employee Relations Branch

labor.relations@cpms.osd.mil

Decision on Bargaining Over Managers' Conditions of Employment

The Federal Labor Relations Authority (FLRA) recently issued a decision in a case involving proposed contract language that affected managers more than it would have bargaining unit employees. The union's proposal was intended to advance one of the union's objectives, but FLRA ruled the proposal nonnegotiable because it dealt with conditions of manager employment. This case gives us a chance to review how far a union can go in proposing what managers will or will not do.

The case in question is Association of Civilian Technicians, Wichita Air Capitol Chapter and U.S. Department of Defense, National Guard Bureau, Kansas National Guard, 57 FLRA No. 200, dated July 24, 2002. The union represents a bargaining unit of National Guard technicians, who work in a hybrid situation in which they are employed as civilians for the regular work week, but are also National Guard members. They wear uniforms, have military ranks, and outwardly appear to

be regular military members. Over time, the union has attempted to bargain various provisions that exempt union officials from the military aspects of their jobs while they are on official time performing union business. The proposal in this case was that managers would not address union officials by their military rank while they are performing union business. The manager would have to address the union official as “Mr.”, “Mrs.” or “Ms.”

The FLRA concluded that the proposal really addressed what managers would do or not do. It would control how managers would address union officials. As such, the FLRA ruled that the proposal was nonnegotiable, because the union was trying to prescribe conditions of employment for managers, rather than for its bargaining unit members. This was true, even though the proposal purpose was to help union officials avoid feeling subordinate to management officials of higher military rank, while processing grievances, negotiating with management or representing labor issues.

FLRA pointed out that most bargaining proposals require managers to take some action to carry out the agreement. For example, if a union negotiates an overtime rotation system for its bargaining unit, managers would have to maintain the roster and do other administrative tasks to carry out the rotation system. In this case, however, the proposal would directly determine what managers would do, rather than providing a benefit for bargaining unit employees.

In a footnote at the end of the decision, the FLRA noted a couple of previous cases in which it had previously ruled proposals like this one negotiable. The footnote implies that the FLRA has changed its mind and would now find those proposals nonnegotiable.

If you receive union proposals that would mandate conditions of manager employment, you should review this case to see if the proposal may be outside the duty to bargain, and contact the FAS Labor and Employee Relations Branch if you have any questions.

The Duty to Bargain & Management’s Rights

The Labor Branch of the Field Advisory Service (FAS) gets numerous inquiries over what management has to bargain about and bargain over. This article, and a series of subsequent FASTrack articles, will explain management’s bargaining obligations to relieve some of these fears and frustrations.

The starting point, as with all labor relations matters, is the Federal Service Labor-Management Relations Statute. In that Statute, it is explained that collective bargaining is an obligation between Management and the Labor Union to bargain over conditions of employment, Title 5, United States Code (USC), Section 7103 (a) (12). However, the duty to bargain does not extend to management’s decision to implement any of the statutory rights provided below.

§7106. Management rights:

“(a) Subject to subsection (b) of this section, **nothing in this chapter** (emphasis added) shall affect the authority of any management official of any agency—

- (1) to determine the mission, budget, organization, number of employees, and internal security practices of the agency; and
- (2) in accordance with applicable laws—
 - (A) to hire, assign, direct, layoff, and retain employees in the agency, or to suspend, remove, reduce in grade or pay, or to take other disciplinary action against such employees;
 - (B) to assign work, to make determinations with respect to contracting out, and to determine the personnel by which agency operations shall be conducted;
 - (C) with respect to filling positions, to make selections for appointments from—
 - (i) among properly ranked and certified candidates for promotion; or
 - (ii) any other appropriate source; and
 - (D) to take whatever actions may be necessary to carry out the agency mission during emergencies.”

Therefore, by starting from the basics, hopefully it is immediately clear that management does not have to bargain over the decision to discipline, assign work, perform the mission, etc.

Negotiating gets more complicated of course, but start with the basic idea that management has the statutory right to make certain management decisions and does not have to bargain over the decision itself.

While management may not have to bargain over the decision, there is an obligation to bargain over procedures to be followed by management when implementing the decision. The next edition of FASTrack will include an article looking at what management does have to bargain over, typically referred to as Impact and Implementation bargaining.

Regionalization And Systems Modernization

<http://www.cpms.osd.mil/pmo/homepage.htm>

Modern Defense Civilian Personnel Data System – Systems Innovation Subcommittee

The Systems Innovation Subcommittee (SIS), a subcommittee of the modern DCPDS Change Control Board (CCB), is currently looking at two initiatives approved by the CCB on July 25. The initiatives call for the creation of two action teams to analyze potential DoD-

wide enhancements for the staffing program and for an electronic Official Personnel Folder (OPF).

The two action teams or working groups for the SIS and will perform the following tasks:

- Obtain input and requirements from all DoD Components;
- Develop a DoD-wide requirements document;
- Evaluate possible alternatives;
- Perform functional and economic analysis of potential alternatives;
- Prepare a business case for recommendations, to include the return on investment;
- Present recommendation to the SIS for review and forwarding to the CCB; and

- Prepare any additional acquisition documentation required for implementation.

Components have designated individuals to serve as functional and technical representatives on the two action teams. The teams first met the week of August 12-16.

CPMS Employment Corner

CPMS job vacancies are posted on the Human Resources Operations Center (HROC) job opportunities web site at <http://www.hroc.dla.mil/joas> and on the OPM jobs bulletin board at <http://www.usajobs.opm.gov>.



JAMES A. WACHTER
Chief, Field Advisory Services
Defense Civilian Personnel
Management Service